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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,347	11/06/2003	Gloria Buley	600/15328US01	8115

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EXAMINER

AMARI, ALESSANDRO V

ART UNIT PAPER NUMBER

2872

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/702,347	Applicant(s) BULEY, GLORIA	
	Examiner Alessandro V. Amari	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Edwards US 6,059,418.

In regard to claim 1, Edwards discloses (see Figures 1, 3) a vehicle with a system of mirrors that allows a driver to view the entire right side of the vehicle comprising a first mirror (22) facing in a rearward direction and viewable from the position of the driver's seat, a second mirror (26) mounted toward the rear of the vehicle and facing in a forward direction, said second mirror providing a view of the right side of the vehicle and being viewable by the driver through said first mirror as shown in Figures 1 and 3.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards US 6,059,418 in view of Warming WO93/24345.

Regarding claims 2, 4, and 7, Edwards teaches the invention as set forth above but does not teach regarding claim 2, that the second mirror is pivotable outward from a position parallel to the vehicle to a position generally perpendicular to the vehicle and regarding claim 4 does not teach a motorized pivotal mount affixed to the rear of the vehicle so as to allow the second mirror to be extended outward from the vehicle under control of the driver and regarding claim 7, Edwards does not teach including red stop lights fixed to the back of the second mirror.

Regarding claim 2, Warming teaches (see Figures 6-10) a second mirror (73) that is pivotable outward from a position parallel to the vehicle to a position generally perpendicular to the vehicle as shown in Figure 10 and as described on pages 6 and 7 and regarding claim 4 Warming teaches (see Figures 6-10) a motorized pivotal mount (70) affixed to the rear of the vehicle so as to allow the second mirror to be extended outward from the vehicle under control of the driver as described on pages 6 and 7.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the pivotal mount as taught by Warming for the mirror system of Edwards in order to provide for a retractable mirror that can be stowed in an inboard position so as to provide additional clearance for the vehicle when traversing tight or narrow spaces or when parking vehicle.

Regarding claim 7, Warming teaches (see Figure 1) including red stop lights (32) fixed to the back of a mirror.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the red stop lights of Warming for the mirror system of Edwards in order to provide for additional safety information to other drivers.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards US 6,059,418.

Regarding claim 3, Edwards teaches the invention as set forth above but does not teach that the second mirror is a convex mirror to provide a wide angle view of the right side of the vehicle. It is well known in the vehicular mirror art to utilize convex surfaces. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a convex surface for the second mirror of Edwards so as to increase the angle of view to the driver to provide additional visual information to the driver so as to increase safety.

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards US 6,059,418 in view of Lamparter US 6,009,650.

Regarding claims 5 and 6, Edwards teaches the invention as set forth above but regarding claim 5 does not teach further including a stop sign that can be positioned relative to the second mirror for viewing by persons behind the vehicle and regarding claim 6, does not teach that the stop sign is mounted on the back of the second mirror.

Regarding claims 5 and 6, Lamparter teaches (see Figures 1-5) a stop sign (18) that can be positioned relative to the second mirror for viewing by persons behind the vehicle or that the stop sign is mounted on the back of the second mirror.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the stop sign of Lamparter with the mirror system of Edwards in order to provide additional warning signals to other drivers and thus increase safety for the vehicle.

7. Claims 8, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards US 6,059,418 in view of Brierley GB 2085332 and further in view of Warming WO93/24345.

In regard to claim 8, Edwards teaches (see Figures 1, 3) a mirror for mounting on the rear side of a bus, which provides a view of the side of the bus. However, in regard to claim 8, Edwards does not teach that the mirror being relatively larger than any front mounted mirrors and capable of being selectively deployed to an outward position by the operator and regarding claim 10, Edwards does not teach a pivoting mechanism controllable by the operator.

In regard to claim 8, Brierley teaches (see Figures 1-3) the mirror being relatively larger than any front mounted mirrors as described in column 1, lines 35-39.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the larger mirror of Brierley with the mirror system of Edwards in order to provide for a wider viewing area to the user so as to increase visual information to the driver for improved safety.

Regarding claims 8 and 10, Warming teaches (see Figures 2, 3) that the mirror can be selectively deployed to an outward position by a pivoting mechanism controllable

by the operator as described in column 1, lines 35-65 and column 2, lines 1-90 and as shown in Figures 2 and 3.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the pivotal mount as taught by Warming for the mirror system of Edwards in view of Brierley in order to provide for a retractable mirror that can be stowed in an inboard position so as to provide additional clearance for the vehicle when traversing tight or narrow spaces or when parking vehicle.

Regarding claim 9, Edwards in view of Brierley teaches the claimed invention except for the area of the mirror being at least twice that of any front mounted mirror on the bus. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the mirror of Edwards in view of Brierley be at least twice that any front mounted mirror, since such a modification would involve only a mere change in size of component. Scaling up or down of an element which merely requires a change in size is generally considered as being within the ordinary skill in the art. One would have been motivated to scale the size of the mirror to be at least twice that of any front mounted mirror in order to provide for a wider viewing area to the user so as to increase visual information to the driver for improved safety. *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976)

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards US 6,059,418 in view of Brierley GB 2085332 and further in view of Warming WO93/24345.

Regarding claim 11, Edwards in view of Brierley teaches the invention as set forth above but does not teach that the second mirror is a convex mirror to provide a wide angle view of the forward direction. It is well known in the vehicular mirror art to utilize convex surfaces. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a convex surface for the second mirror of Edwards in view of Brierley so as to increase the angle of view to the driver to provide additional visual information to the driver so as to increase safety.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards US 6,059,418 in view of Brierley GB 2085332 and in view of Warming WO93/24345 and further in view of Lamparter US 6,009,650.

Regarding claim 12, Edwards in view of Brierley teaches the invention as set forth above but does not teach including a stop sign affixed to the rear surface of said mirror.

Regarding claim 12, Lamparter teaches (see Figures 1-5) a stop sign (18) that is mounted on the back of the second mirror.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the stop sign of Lamparter with the mirror system of Edwards in view of Brierley in order to provide additional warning signals to other drivers and thus increase safety for the vehicle.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards US 6,059,418 in view of Brierley GB 2085332 and further in view of Warming WO93/24345.

Regarding claim 13, Edwards in view of Brierley teaches the invention as set forth above but does not teach further including stop lights fixed to the back of the mirror and viewable by persons behind the bus.

Regarding claim 13, Warming teaches (see Figure 1) including red stop lights (32) fixed to the back of a mirror.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the red stop lights of Warming for the mirror system of Edwards in view of Brierley in order to provide for additional safety information to other drivers.

Response to Arguments

11. Applicant's arguments filed 03 May 2006 have been fully considered but they are not persuasive.

The Applicant argues that the prior art, Edwards teaches a system of mirrors that improves vision in front of the vehicle but does not teach a "second mirror providing a view of the right side of the vehicle and being viewable by the driver through said first mirror" which is recited in amended claim 1.

In response, the Applicant's argument does not comply with 37 CFR 1.111(c) because it does not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

The Applicant further argues that the prior art Wade teaches a system of mirrors that can provide a view behind the vehicle but does not teach a "second mirror providing a view of the right side of the vehicle and being viewable by the driver through said first mirror" which is recited in amended claim 1.

In regard to this argument, the Examiner concedes that Wade only shows a view of the rear of the vehicle as shown by the Figures. However, Applicant should note that Wade was not cited or relied upon in the rejection of claim 1 but was simply considered pertinent to the applicant's disclosure.

The Applicant further argues in regard to claim 8, that neither Edwards or Wade teaches a "second mirror providing a view of the right side of the vehicle and being viewable by the driver through said first mirror" nor a rear mirror "selectively deployed to an outward position by the operator to reflect forward and provide a view of the side of the bus" as recited in amended claim 8.

In response, the Applicant's argument does not comply with 37 CFR 1.111(c) because it does not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

The Applicant further argues that Brierly teaches, "a rear view mirror, for road vehicles positioned at the rear corner of the vehicle so as to enable the driver to see the rear of the vehicle and the area immediately behind it when reversing.." However, Brierly does not teach a rear mirror "selectively deployed to an outward position by the

operator to reflect forward and provide a view of the side of the bus' which is recited in amended claim 8.

In response to this argument, the Examiner would like to point out that the primary reference, Edwards teaches a mirror for mounting on the rear side of a vehicle which provides a view of the side of the bus. It is true that Brierley does not teach a rear mirror selectively deployed to an outward position by the operator to reflect forward and provide a view of the side of the bus. Brierley provides the teaching for the mirrors being relatively larger than any front mounted mirror. However, Warming supplies the teaching of the mirror selectively deployed to an outward position by the operator as shown at the bottom of page 5 and the top of page 6 of the Non-Final Office Action of 29 December 2005 which in combination with Edwards and Brierley teaches the claimed invention as recited in claim 8.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (571) 272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ava:u
10 July 2006

Alessandro Amari
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Examiner AU2872